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INSANE PERSONS — GUARDIANSHIP AND PROTECTION — EFFECT OF DEATH OF LUNATIC ON LIABILITY OF RECEIVER'S SURETY. — C became surety for B as receiver for A, a lunatic. After A's death, B collected rents and absconded. *Held*, that C is not liable for B's defalcation. *In re Walker*, [1907] 2 Ch. 120.

The status of lunacy gives equity her jurisdiction to appoint a receiver of the lunatic's property. See *In re Fitzgerald*, 2 Sch. & Lef. 432. Since the death of the lunatic determines that status, the basis of equitable interference disappears, and consequently the receivership terminates. Hence a *quondam* receiver cannot charge, in his final accounting, indebtednesses incurred in administration of the estate after the lunatic's death. *Jones* v. *Noyes*, 7 Wkly. Rep. 21. And even when a statute required a formal accounting and final discharge by the court, the receivership was held to terminate by the death of the lunatic before the discharge. *In re Sheuer's Estate*, 31 Mont. 606. Upon the same principle, discharges given creditors by a man acting as administrator *durante absentia*, after the death of his principal, even though such death was unknown to all the parties, were held invalid. *Re Ouvry*, cited in 51 Sol. J. 479. In the present case C had agreed to answer for any default of B as receiver. But the receivership had terminated by the death of the lunatic before the collections were made; there was no default by B as receiver, and consequently any claim against the surety is without foundation.

INTERSTATE COMMERCE — CONTROL BY CONGRESS — INTERSTATE BRIDGES. Congress authorized the city of St. Louis to construct a railroad bridge across the Mississippi River, and to exercise the right of eminent domain for the acquisition of approaches thereto in Illinois. *Held*, that Congress has power to authorize the building of such interstate bridge, and to clothe St. Louis with the right to condemn property in another state. *Haeussler* v. *City of St. Louis*, 103 S. W. 1034 (Mo., Sup. Ct.).

It is well settled that a bridge may be an instrument of interstate commerce. *Covington, etc., Bridge Co.* v. *Kentucky*, 154 U. S. 204. And in spite of the doubts expressed in many early cases, it has now been established by a long line of decisions that Congress, under its power to regulate interstate commerce, can build or authorize the construction of such bridges without the consent of the states, and to this end exercise its right of eminent domain. *Penn., etc., Ry. Co.* v. *Baltimore, etc., Ry. Co.*, 37 Fed. 129; *Cherokee Nation* v. *South Kansas Ry. Co.*, 135 U. S. 641. If the consent of the states were necessary, Congress would not have supreme power over an instrument of interstate commerce now as important as a navigable river. Consequently, it has been held constitutional for Congress to charter a corporation to build an interstate bridge, and to give it rights of eminent domain in both states without their consent. *Luxton* v. *North River Bridge Co.*, 153 U. S. 525. The present case, therefore, seems right in holding that, "if Congress can create a corporation with such rights, it can grant such rights to one already in existence."

INTERSTATE COMMERCE — ELKINS ACT — RECEIVING ILLEGAL CONCESSIONS FROM PUBLISHED RATES A CONTINUING CRIME. — The defendant shipper obtained concessions and delivered goods to the carrier in Kansas. The prosecution was instituted in a district of Missouri through which the goods were transported. *Held*, that the court has jurisdiction, since receiving such concessions is a continuing act. *Armour Packing Co.* v. *United States*, 153 Fed. 1 (C. C. A., Eighth Circ.). See NOTES, p. 135.

LIENS — STATUTORY LIENS — INNKEEPER'S LIEN ON PROPERTY NOT BELONGING TO GUEST. — N. Y. Laws 1897, c. 418, § 71, as amended by N. Y. Laws 1899, c. 380, provides that the keepers of inns and boarding-houses shall have a lien upon property brought upon their premises by a guest; but that no such lien shall exist if they had notice that the property did not belong to the guest. A guest brought to a hotel a piano, which was the property of the plaintiff, though the hotel-keeper had no notice of the fact. *Held*, that the hotel-keeper has a lien on the piano, available against the owner, for the debt incurred by the guest. *Waters & Co.* v. *Gerard*, 189 N. Y. 302.

A former case in a lower New York court, in which a boarding-house keeper claimed a lien on property not owned by a guest, construed the words "property brought by a guest" to include only property belonging to the guest; this rather forced construction being adopted on the ground that to give a boarding-house keeper a larger lien would be unconstitutional, as taking the owner's property without due process of law. *Barnett* v. *Walker*, 39 N. Y. Misc. 323. The present case overrules this construction, holding that the words do confer a lien on the goods of a third person. The court is clearly right in holding that in its application to innkeepers the statute is constitutional, for at common law an innkeeper had a lien on property brought by a guest who had no title to it. *Yorke* v. *Grenaugh*, 2 Ld. Raym. 866; *Jones* v. *Morrill*, 42 Barb. (N. Y) 623. Whether or not the statute, as here construed, is constitutional as far as it applies to boarding-house keepers is left in doubt. It seems, however, well within the legislative power to extend the law in the case of inns to the analogous case of boarding-house keepers. See 16 HARV. L. REV. 528.

LIMITATION OF ACTIONS — NATURE AND CONSTRUCTION OF STATUTE — DISABILITY CAUSED BY INJURY FOR WHICH ACTION IS BROUGHT. — The plaintiff sustained injuries to his head from which insanity almost immediately resulted. The action was brought after the statute of limitations had run. *Held*, that the provision of the statute in regard to disabilities existing at the time the cause of action accrues is applicable, and that the action is not barred. *Nebola* v. *Minnesota Iron Co*, 112 N. W. 880 (Minn.).

It has been held that insanity resulting a few hours after an injury is not a disability existing at the time the right of action accrues within the meaning of a statute of limitations. *Roelefsen* v. *City of Pella*, 121 Ia. 153. The decision in the principal case, however, is supported by an earlier Texas decision. *Sasser* v. *Davis*, 27 Tex. 655. The question involved seems not to have been considered elsewhere. The periods fixed by statutory limitations usually date from the accrual of the action. WOOD, LIMITATIONS, § 54. As a general rule, however, in calculating these periods it is held that the day on which the action accrued is excluded, and that the running of the statute begins on the following day. *Seward* v. *Hayden*, 150 Mass. 158. Hence a disability arising shortly after the action accrues, but on the same day, exists when the statute begins to run, and by similar construction would fill the statutory requirement of "existing at the time the action accrued." This construction seems more just than to hold that insanity caused by an injury and resulting immediately after it is not a disability provided for by the statutes. See *Street Ry. Co.* v. *Mabie*, 66 Ill. App. 235, 239.

LOTTERIES — STATUTES — THE ELEMENT OF CHANCE. — The defendant offered certain rewards or prizes to the persons who should submit the nearest correct estimates of the popular presidential vote of 1904 and who should at the same time subscribe to a certain periodical. The plaintiff was the assignee of the claims of the two most successful contestants. *Held*, that the plaintiff cannot recover, as the enterprise is a lottery. *Waite* v. *Press Publishing Ass'n*, 155 Fed. 58 (C. C. A., Sixth Circ.).

Legislation regulating such transactions is very comprehensive, but the courts generally recognize that to constitute a lottery scheme three elements must concur: a consideration, a prize, and the allotment of the prize by chance. See *Equitable Loan, etc., Co.* v. *Waring*, 117 Ga. 599, 609. A recent English case shows the tendency to a very liberal construction in finding the first named essential, consideration. *Willis* v. *Young*, [1907] 1 K. B. 448. In their interpretation of the third element the English and American decisions are in some conflict on such facts as are presented in the present case. The former hold that the factor of human calculation renders negligible the element of chance. *Hall* v. *Cox*, [1899] 1 Q. B. 198. The weight of American authority, with better reason, it would seem, holds that chance is the dominant factor in arriving at the correct conclusion. *Stevens* v. *Cincinnati Times-Star Co.*, 72 Oh. St. 112; *People* v. *Lavin*, 179 N. Y. 164; *contra*, *U. S.* v. *Rosenblum*, 121 Fed. 180. That a competitor's ignorance of any of the causes which will